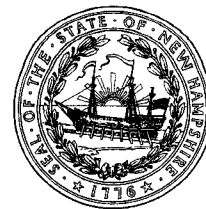The State of New Hampshire
Department of Environmental Services

NHDES

Michael P. Nolin
Commissioner

June 15, 2004

Certified Mail   **Letter of Deficiency**
Return Receipt Requested   **No. WMD 04-10**

Bruce Hibbard
229 Cross Mill Road
Northfield, NH 03276-4060

SUBJECT: M 04-009, 229 Cross Mill Road, Northfield, NH

Dear Mr. Hibbard:

On May 6, 2004, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection ("Inspection") of your property located at 229 Cross Mill Road, NH ("Site"). The purpose of the Inspection was to determine your compliance status with RSA 147-A, RSA 149-M, and rules adopted pursuant thereto relative to the proper management of hazardous waste and solid waste.

During the Inspection, DES personnel learned or observed the following:

1. Mr. Hibbard operates a salvage yard at the Site.

2. Mr. Hibbard takes used oil generated at the Site to Mike's Automotive, Tilton, NH. A review of DES records shows that Mike's Automotive is not a notified used oil burner.

3. One 55-gallon drum of used oil labeled "Waste Oil" was located at the Site. This drum was open with a funnel in the bung.

4. Approximately 200 scrap tires are stored at the Site. These tires are not stored in accordance with the NH Solid Waste Rules.

5. Mr. Hibbard brings his scrap tires to Mike's Automotive. The scrap tires are then picked up by a company located in Eliot, ME.

6. Numerous piles of wire were at the Site. Mr. Hibbard informed DES personnel that he brought the wire to the Site from a job in Belmont, NH.

7. Mr. Hibbard takes in scrap metal and then brings it to Cohen Steel, Concord, NH.

This letter serves to inform you that the above referenced Site conditions constitute violations of RSA 147-A, and 149-M, specifically:

Env-Wm 807.06(b)(5)	Failure to seal container of used oil.
Env-Wm 807.06(b)(11)	Failure to deliver used oil to an authorized facility.
RSA 149-M:9, I	Operating an unpermitted solid waste transfer facility.
RSA 149-M:9, II	Transporting solid waste to an unpermitted solid waste facility.
Env-Wm 2605.02	Failure to manage scrap tires in accordance with the Solid Waste Rules.

DES believes that the cited deficiencies can be corrected by completing the following requested actions within the time indicated:

1. **Immediately** ensure that all used oil containers are sealed.

2. **Immediately** ensure that used oil is delivered to an authorized facility.

3. **Immediately** cease operating an unpermitted solid waste facility by bringing to the Site various solid waste streams.

4. **Immediately** cease transporting solid waste to an unpermitted solid waste facility in the form of tires to Mike's Automotive, Tilton, NH.

5. **Within 14 days** the date of this letter, ensure that all tires at the Site are stored in accordance with Env-Wm 2605.02.

6. **By July 7, 2004,** submit to DES written confirmation that these steps have been completed at the address below.

Please address all correspondence and reports regarding this matter to:

Cheryl McGary
Special Investigations Section
Department of Environmental Services
P.O. Box 95
Concord, NH 03302-0095
e-mail: cmcgary@des.state.nh.us
telephone: 271-3899

In the event compliance is not achieved within the time period indicated above, DES may initiate formal enforcement action against you including issuing an order requiring the deficiencies to be corrected and/or referring the matter to the New Hampshire Department of Justice for imposition of civil and/or criminal penalties. DES reserves the right to pursue administrative fines for the violation(s) noted above.

Your prompt cooperation is appreciated. Please contact Cheryl McGary at (603) 271-3899 if you have any questions or need further assistance.

Sincerely,

Kenneth W. Marschner
Administrator
Waste Management Programs

cc: DB/File
        Anthony P. Giunta, P.G., Director, WMD
        Gretchen R. Hamel, Legal Unit Administrator
        Michael Guilfoy, SWMB
        Dana Dickson, Town of Northfield